



## China to reduce death sentences

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China is one of 55 countries in the world that practice the death penalty as the ultimate sanction on convicted criminals. In fact, China executes more people than rest of the world combined. But now senior legal officials in China say it should reduce the number of death sentences it carries out.

But abolishing capital punishment altogether is not yet part of the discussion.

Historically, the Chinese Communist Party has overseen horrendous violence. Though not on the scale of Stalin's Soviet Union, this started with the purges of landlords and other "counter-revolutionaries" in the late 1940s and early 1950s. Mao Zedong coolly declared that "the killing of counter-revolutionaries should usually not exceed 0.1% of the population, and should be less than 0.1% in the cities." Millions died in a few short years, as Chinese villages were encouraged to mete out their own punishment with the aim of creating a blessed "New China".

Mao's death in 1976 brought to an end the last spasm of violence in his name, the Cultural Revolution. Chinese leaders relaxed political control over people's daily lives and encouraged economic change. But they enforced a rigid system of criminal justice in the name of maintaining social order. Capital punishment was to be for "extremely serious crimes", a category that was open to broad interpretation but which included corruption and drug trafficking. Starting in 1983, the government launched regular "strike hard" anti-crime campaigns. Judges—many of them former soldiers without legal training—were ordered to be severe. In the first campaign 24,000 people were sentenced to death by firing squad in less than one year. As a result of similar drives in the 1990s, the country executed about 15,000 people a year, more than 90% of the world's total. Public sentencing rallies, and occasionally public executions, took place.

But slowly, the country has been executing fewer and fewer people every year.

China is thought to have executed about 3,000 people in 2012, or roughly four times more than the rest of the world put together. It is a grim distinction. But consider a brighter, even astonishing, trend: over the past decade, the number of people China executes has fallen precipitously.

According to the Dui Hua Foundation, an American NGO that tracks these things, the 2012 figure is down from 12,000 people executed in 2002—a fall of three-quarters. In other words, though China remains the world's chief executioner, it is also largely responsible for a marked worldwide fall in the number of executions.

It is hard to get an actual figure as to how many people China executes each year as it does not release such figures.

John Kamm, founder of the Dui Hua Foundation, calls the reduction in executions “the most significant positive development in the human rights situation in China in recent decades”.

One man began turning this culture round. Xiao Yang served as president of the Supreme People’s Court from 1998 to 2008. Exceptionally for that post, Mr Xiao was qualified, possessing a degree in law. Neither he nor a deputy at the court, Liu Jiachen, who helped him, can be counted as radicals. Rather, they wanted a more professional, accountable and methodical judiciary—especially in handling capital offences. Their urge to modernize found a growing base of support within the system. One of Mr Xiao’s professors at Beijing’s Renmin University in the 1960s, Gao Mingxuan, was an influential legal figure and, though viewed as a conservative, was an advocate of reducing executions. People who graduated from law school in the 1980s and 1990s—some of them avowed abolitionists as young scholars—were now up-and-coming officials, judges and court advisers.

Mr Xiao and his deputies set out to limit executions.

According to Susan Trevaskes, author of “The Death Penalty in Contemporary China”, one of Mr Xiao’s schemes to reduce the number of executions was to encourage the wider use of suspended death sentences. He and other officials of the Supreme People’s Court sought to persuade judges to hand down such sentences in more cases of murder, drug trafficking and violent robbery. It marked a change of rhetoric. In 1983 officials urged that “when there is a choice to kill or not to kill, choose to kill”; in 2005 officials said courts must “kill fewer, kill cautiously”.

Ms Trevaskes argues that Mr Xiao was able to push this line because he could argue that it would boost the system’s legitimacy. “Killing many” had not worked to reduce crime, and could lead to challenges to authority. In small communities, where serious crimes often involved family members, resolving disputes through compensation and lesser punishments promised to reduce the risks of tensions spilling over. What is more, a bolder state media had begun to expose how police framed innocent people for drug trafficking and murders in order to claim rewards or appear efficient. The idea of innocent people being executed after wrongful convictions fed growing popular revulsion.

In 2006 Mr Xiao won a change in the law that had profound consequences. He ensured that every capital case had to be reviewed by the highest court in Beijing. The impact was immediate. The number of death sentences was already slowly declining. But it plunged by 30% in the first year of court reviews; executions fell in turn, to about 5,000 in 2008. Plenty of cases were sent back for retrial.

Executions have declined further since.

China is still executing more people than any other country in the world, though, by far. According to Amnesty International, China still accounts for 72% of the world's total executions.

China also has a greater number of capital offences than anywhere else. The US government, in its most recent annual report on human rights in China, said there were at least 68 capital offences in China's criminal code. These included murder, rape, and other violent crimes, but also the following:

- smuggling
- drug trafficking
- prostitution
- cyber crimes
- damaging electric power facilities
- separatism, especially in Xinjiang and Tibet
- aiding Tibetan border crossings
- theft
- selling counterfeit medicine

Also, "economic crimes" like bribery, corruption, embezzlement, tax evasion, forging currency, and insurance fraud also carry the death penalty.

Reports in the Chinese media suggest about one in 10 executions is for non-violent, economic crimes.

But in 2011, China announced that 13 non-violent capital offences crimes — ranging from smuggling relics and endangered animals to faking tax receipts — have been dropped in an amendment to China's capital-punishment law. Convicts above the age of 75 will also be eligible for the exemption. The revised law could slash the total number of capital crimes in the country by up to 20%.

The most high-profile execution in China in 2007 was that of the former head of the State Food and Drug Administration, Zheng Xiaoyu, for taking \$860,000 in bribes, specifically approving untested medicine in exchange for cash, leading to the deaths of at least 10 people.

Recently, China saw the public cheering for the recent death sentences for the two deputy mayors of Suzhou and Hangzhou, as well as executions of the Secretary of Justice of Chongqing City and of the vice chairman of the Standing Committee of the National People's Congress.

Death sentences are carried out very quickly in China, too. Usually the time from a trial to execution is less than one year and sometimes only months.

Most executions in China take place after sentencing rallies in front of massive crowds in sports stadiums and public squares.

Prisoners are also paraded through the streets past thousands of people on the way to execution by firing squad in nearby fields or courtyards.

In a joint statement released, the supreme people's court, the ministry of public security, the ministry of justice, and the country's most senior prosecutor also said condemned prisoners should not be paraded through the streets and suspects should not be tortured.

### **Wrongful conviction**

The document issued by Beijing said: "Our country still cannot abolish the death penalty but should gradually reduce its application.

"But where there is a possibility someone should not be executed, then without exception the person should not be killed."

China has sought to tighten its rules on the application of the death penalty following a series of high-profile cases involving wrongful convictions and torture.

Observers hope that it will lead to 1/3 reduction in death sentences.

## **Torture or threats**

In a famous case in 2005, a woman believed murdered in the 1980s in the central province of Hunan reappeared, 16 years after the man convicted of killing her was executed.

At the time of the execution, the court said the defendant had confessed.

Chinese police often are accused of torturing suspects into making confessions, and the document said it was wrong to use statements obtained through torture or threats "as the basis for a case".

The statement said officials were obligated to "ensure crime suspects and defendants can fully exercise their rights to defense and other procedural rights".

The document said police must be more thorough and obey the laws in identifying and collecting evidence.

It also required officials to ensure that condemned persons were not paraded through the streets or presented before crowds at anti-crime rallies - practices that used to be common but are now usually only found in rural areas.

## **Towards Lethal Injection**

China has also changed the method of execution in most cases from firing squad to lethal injection.

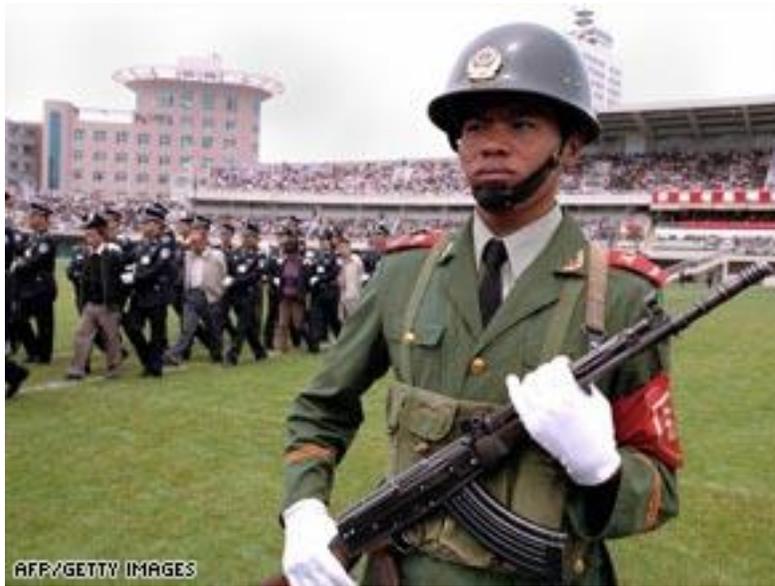
In January 2008, Jiang Xingchang, vice-president of the Supreme People's Court, said that lethal injections were favored by the families of death row inmates over China's other method of execution, which involves a single bullet to the back of the convict's head.

It differs from its application in the U.S. in that it is carried out in fixed locations as well as in specially modified mobile vans.

The use of lethal injection will be expanded in China because they are "more humane." He gave no timetable for the shift to lethal injections, which were first authorized as a method of execution in China in 1997.

Currently around half of all the people's courts carry out executions by lethal injection, Xingchang said.

But not all China even has the death penalty. The Special Administrative Regions of Hong Kong and Macau, part of Beijing's "One Country, Two Systems" concept, have separate judiciaries and local laws, and both have abolished capital punishment.



Police parade prisoners during an execution rally at a stadium in Kunming, Yunnan province.

**Death Penalty Permitted (doesn't necessarily mean it is practiced, though):**

- Afghanistan
- Antigua and Barbuda
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belize
- Botswana
- Burundi
- Cameroon
- Chad
- China (People's Republic)
- Comoros
- Congo (Democratic Republic)
- Cuba
- Dominica
- Egypt
- Equatorial Guinea
- Eritrea
- Ethiopia
- Gabon
- Ghana
- Guatemala
- Guinea
- Guyana
- India
- Indonesia
- Iran
- Iraq
- Jamaica
- Japan
- Jordan
- Korea, North
- Korea, South
- Kuwait
- Kyrgyzstan
- Laos
- Lebanon
- Lesotho
- Libya
- Malawi
- Malaysia
- Mongolia
- Nigeria
- Oman
- Pakistan
- Palestinian Authority
- Qatar
- St. Kitts and Nevis
- St. Lucia
- St. Vincent and the Grenadines
- Saudi Arabia
- Sierra Leone
- Singapore
- Somalia
- Sudan
- Swaziland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- Trinidad and Tobago
- Uganda
- United Arab Emirates
- United States of America
- Uzbekistan
- Vietnam
- Yemen
- Zambia
- Zimbabwe